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of New York and elsewhere, RAUL BORBOON, the defendant, of New York and elsewhere, RAUL BORBOON, the defendant, unlawfully, willfully, and knowingly, during and relation to a drug trafficking crime for which he may be proscribed in account of the United States, namely the offense charged in Count One of Title 21, United States Code, Section 812, 841(a)(1), and 841(b)(1)(B), and Title 18, United States Code, Section 2.)

2. On or about May 18, 2007, in the Southern District of New York and elsewhere, RAUL BORBOON, the defendant,

COUNT TWO

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B), and Title 18, United States Code, Section 2.)

1. From at least in or about March, 2007, through on or about May 18, 2007, in the Southern District of New York and elsewhere, RAUL BORBOON, the defendant, the Southern District of New York and elsewhere, RAUL BORBOON, the defendant, unlawfully, did manufacture, distribute, intent to manufacture, distribute, and dispense, and possessed with intent to manufacture, distribute, and dispense, a controlled substance, to wit, approximately 166 marihuana plants.

COUNT ONE

Enhancement Unit of the New York City Police Department ("NYPD"), he is a New York City Police Detective with the Firearms Division, deposes and says that MANUEL MADERA, being duly sworn, deposes and says that and he charges as follows:

SOUTHERN DISTRICT OF NEW YORK, ss.:

RAUL BORBOON, - V. -
 UNITED STATES OF AMERICA :
 SEALED COMPLAINT :
 - - - - -
 Before: HONORABLE JAMES C. FRANCIS IV
 United States Magistrate Judge
 Southern District of New York
 Assistant United States Attorney
 BENJAMIN A. NAFALIS
 07 MAG 912

Approved: *RW*

4. The bases for my knowledge and for the foregoing charges are, in part, as follows:

(Title 18, United States Code, Section 924(c)(1)(A)).

This complainant, did use and carry a firearm, and in furtherance of such crime possessed a firearm, to wit, BORBOON used, carried, and possessed a .22 caliber Beretta firearm.

1. I am a Detective in the Firearms Enhancement Unit of the New York Police Department ("NYPD"), and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where facts that I have learned during the course of my investigation are all the contents of this affidavit, they are reported in substance and in part, except where otherwise indicated.

2. On or about May 18, 2007, three NYPD officers were patrolling in or around 2244 Creston Avenue, Bronx, New York ("2244 Creston"). Upon arriving at 2244 Creston, the officers met and questioned an individual ("Individual-1"), pursuant to a question any person entering or leaving such a building to verify that person is there for a legitimate purpose. Individual-1 stated to the officers that he was visiting a friend in Apt. 6B of 2244 Creston.

3. Shortly thereafter, two of the officers ("Officer-1" and "Officer-2," respectively) proceeded to Apt. 6B of 2244 Creston to verify the statements of Individual-1. One of the officers ("Officer-2") went upstairs to Apt. 6B.

a. Officer-1 and Officer-2 knocked on Apt. 6B and announced themselves to the defendant, opened the door to BORBOON, the defendant, and RAUL that:

4. Based on conversations with Officer-1, I know

Apt. 6B.

Finally, Officer-1 observed, in an open closet across the hall from the bedroom, [it] f. f.

v. Various timers connected to the lighting system.

iv. Ventilation systems; and

iii. additonal ventilation duct-work;

i. 166 marijuana plants;

Inside the bedroom, Officer-1 observed, among other things: e.

Further, inside the living room, Officer-1 observed, among several trays ready for germination. d.

around the outside of the floor of the living room blocked off with mylar-like plastic sheeting, which was taped floor-to-ceiling and wall-to-wall. In addition, silver ventillation ducts were observed running and along the walls. xoom and along the walls.

apt. B. Officer-1 also observed a living room thereaftre, Officer-1 and Officer-2 entered

assocated with marijuana.

ii. numerous books, magazines, and VHS tapes relating to growing and use of marijuana; and

ii. numerous small, plastic bags containing the remains of dirt, leaves, and stems of what appeared to be dried marijuana plants;

i. several large bags of Miracle-Gro stacked upon one another;

b. From outside the apartment, Officer-1 observed in plain sight in the foyer, among other things:

HONORABLE JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

7th day of June, 2007
Sworn to before me this

MANUEL MADEIRA
Detective
New York City Police Department

WHEREFORE, defendant prays that a warrant be issued for the arrest of RAUL BORRON, the defendant, as the case may be. Impersonated, or baited, as the case may be.

5. Shortly thereafter, the officers placed RAUL BORRON, the defendant, under arrest.

Later identified as a .22 caliber Beretta firearm, and [ii] a bulletproof vest liner. A bearing the distinctive shape of a firearm and a object wrapped tightly in a plastic bag.